TWELFTH ANNUAL REPORT

OF

THE DEPARTMENT OF JUSTICE

FOR

PRINCE EDWARD ISLAND

1984

TO:

THE HONOURABLE J. AUBIN DOIRON, B.A., D.D.S., H.D.H., LL.D.
Lieutenant Governor
Province of Prince Edward Island

May It Please Your Honour:

I have the honour to submit the twelfth Annual Report of the Department of Justice for this province.

I have the honour to be, Sir,

Your obedient servant,

George R. McMahon, Q.C.
Minister of Justice and
Attorney General

TO:

THE HONOURABLE GEORGE R. McMAHON, Q.C.
Minister of Justice and Attorney General
Province of Prince Edward Island

Sir:

I am pleased to submit herewith the Annual Report of the Department of Justice for the year ending 31 December 1984.

Respectfully submitted,

Arthur J. Currie
Deputy Minister of Justice

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INTRODUCTION

With the untimely passing of Mr. Justice Arthur H. Peake in 1984, the legal profession lost a valued member of the judiciary, and the Province of Prince Edward Island lost a man whose contributions to his profession and his community will long be remembered. Mr. Justice Peake treated all those who appeared before him with respect, and he never lost the human touch in dealing with members of the legal profession, litigants, or those with whom he came into contact.

In the 1983 Report of the Department, I, as Deputy Minister, was remiss in not expressing the appreciation of the Department to Chief Justice John P. Nicholson, Mr. Hugh MacIntosh, legal counsel, and the members of the Law Reform Commission for their valuable contribution over the years to law reform. Unfortunately, due to budget restraint, the funding for the Commission was terminated in 1984.

The reports of the various divisions of the Department contained in this report have been prepared by the Directors of the divisions and amalgamated into the report for the Department. The report of the Commanding Officer, "L" Division R.C.M.P., will be tabled in the House as a separate report.

DEPARTMENTAL DIVISIONS

As of 31 December 1984, the Department of Justice comprised the following divisions:

1) Administration
2) Legal Services
3) Crown Attorneys
4) Judicial
5) Insurance
6) Corrections
7) Probation and Family Court Services
8) Corporations
9) Charlottetown and Summerside Registry Offices
10) Legislative Counsel
11) Office of the Public Defender
12) Consumer Services.

In addition, the Liquor Control Commission, the Human Rights Commission and the Public Utilities Commission are responsible directly to the Minister of Justice.

LEGAL SERVICES DIVISION

Legal services are provided to the Premier's Office, Executive Council, Government Departments and some Crown Corporations and Agencies by lawyers employed in the Legal Services Division.

The Division has assigned solicitors to serve specific departments of Government in order to provide a degree of specialization which would not otherwise be possible.

The Legal Services Division represented Government in 1984 on litigation before the various divisions of the Supreme Court of Prince Edward Island. It otherwise represented Government before administrative tribunals both federally and provincially and assisted in drafting of new legislation. It provided legal opinions and advice to Government on the full range of matters involving Government.

Personnel:

Director of Legal Services - Ralph C. Thompson
Departmental Solicitor - Charles P. Thompson
Departmental Solicitor - Judith M. Haldemann
Departmental Solicitor - Linda M. Gaudet
Legal Secretary - Deborah L. Gillespie

CROWN ATTORNEYS

There are three Crown Attorneys responsible for prosecuting all criminal cases under the *Criminal Code of Canada* and provincial statutes. The Crown Attorneys' Office is located in the Sir Louis Henry Davies Law Courts Building and in the Court House in Summerside.

Personnel:

Director of Crown Attorneys - Richard B. Hubley
Crown Attorney - Darrell Coombs
Crown Attorney (Summerside) - David O'Brien
Secretary - Linda Peters

LEGISLATIVE COUNSEL

The 1984 session of the Legislative Assembly produced 38 public acts and six private acts, none of which evoked any major controversy.

The anticipated elimination of delays in the preparation of annual updates to the statutes has not yet been realized. The transfer of the data base from Ottawa to Charlottetown has been achieved but not without an immense effort in reformatting and proofreading. The acquisition of the new AES word processing equipment has enhanced the capacity of the office to produce legislative texts quickly and accurately. However, technical problems persist relating to the compatibility of equipment. The annual volume of statutes for 1984 has already been sent out to some subscribers and it is anticipated that the looseleaf update will be available soon.

The transfer of the data of the regulations has not yet been made, and it appears that it will be necessary to rekeyboard much of the data base for the purpose of bringing it up to date.

The Legislative Counsel represented the Province at various meetings of the Uniform Law Conference and the Canadian Law Information Council.

Personnel:

Legislative Counsel - M. Raymond Moore
Secretary - Marina G. Bears
Secretary - Leona F. Nicholson.

SUPERINTENDENT OF INSURANCE

Insurance

	1984	1983
Companies registered and licensed	243	239
Applicants examined	106	126
Insurance agents' licenses issued	263	270
Insurance adjuster's licenses issued	33	32

COMMENTS:

At the 1983 Session of the Legislature, the Insurance Act was amended to substantially increase the accident benefits of the automobile policy and became mandatory January 1, 1984. This change was considered overdue and is being well received by the public. The additional cost to the buyer is not significant.

Automobile insurance premiums were up in 1984 and a further increase is expected in 1985 because of the loss experience in recent years.

The Facility Association, which is designed to cover the high automobile risks, continues to work well and no major problems have been encountered.

The Third Party Compulsory Liability on automobile policies is still at a minimum of $100,000 and consideration is now being given to increasing this amount to $200,000 although many motorists carry in excess of the minimum amount.

The detailed report of the Superintendent for 1983 is provided separately and licensing statistics for 1984 are set out above. It is interesting to note the constant progress being made by the Prince Edward Island Mutual Fire Insurance Company, and the Company has issued a dividend on the basis of the 1983 results. The Company is well managed and this year is the 100th Anniversary of its founding.

The practice of examining applicants for agents' licenses continues for all classes, and we believe this has greatly improved the calibre of agents and at the same time reduced the turnover which was so prevalent at one time.

All persons adjusting insurance claims in the Province must hold a valid license.

The Superintendents attends two national meetings of the Association along with some Committee meetings on a regional level. These meetings are important to the welfare of the industry, and the people involved therein.

Premium and Fire Prevention Tax

	1984	1983
Premium tax collected	$ 945,660.03	$ 918,126.83
Fire Prevention tax collected	85,118.10	79,453.08
Totals	$ 1,030,778.13	$ 997,579.91

COMMENTS:

Premium tax at the rate of 2% is collected on all insurance premiums, except fraternal and marine, written in the province. The Fire Prevention tax, which is assessed at 3/4 of 1% of the total fire premium, is basically designed to defray expenses of the Provincial Fire Marshall's Office. The increase in both taxes is due to an increase in premium income.

Official Trustee

The services of the Official Trustee continue in demand, and there were one hundred and four active accounts during the year. Funds held in trust fluctuate and usually runs about $300,000. Excess funds are invested in Deposit Certificates with the Minister of Finance. The accounts are reviewed annually by the Auditor General and his report is available elsewhere.

We continue to enjoy a close working relationship with the Division of Aging in the Department of Health and Social Services, and as a result, we are able to have better control of the assets of patients or guests who are considered incompetent. The role of the Official Trustee is increasing quite substantially as all persons admitted to government homes that are considered incompetent are declared before admission. He is also called upon to represent estates of deceased persons in certain actions and, of course, continues to act as Administrator of Estates when no one else is available or qualified. The Official Trustee is also appointed Guardian in some situations, especially in the case where emergency surgery is considered necessary.

The Advisory Committee is consulted from time to time as the need arises.

Real Estate

The Superintendent of Insurance also administers the Real Estate Trading Act. Sales during 1983 increased by 50% to about 48 million dollars. A substantial increase in sales is indicated in 1984. There have been a number of new constructions not only in the residential category but also in residential rental accommodations as well. Sales commissions for 1983 amounted to more than two million dollars.

One hundred and seventy-eight agents and salespersons were licensed in 1984 which is an increase over the previous year. New applicants must be bona fide residents and are required to pass a written examination which is written in this office by appointment. All salespersons are bonded. A total of fifty-three examinations were written in 1984.

Personnel

Superintendent of Insurance - Milton B. Fitzpatrick
Secretary - Marlene Phelan

CORPORATIONS DIVISION

Acts Administered

The Corporations Division of the Department of Justice is responsible for the following Acts:

Companies Act
Condominium Act
Co-operative Associations Act
Corporation Securities Registration Act
Credit Union Act
Licensing Act
Limited Partnerships Act
Partnership Act
Securities Act
Winding Up Act

Statistics

Following are statistics which pertain to the various statutes administered by the Corporations Division:

	Companies Act	1984	1983
-	Incorporations during the year		
	Business corporations	223	237
	Not-for-profit corporations	25	35
	Total new corporations	248	272
-	Surrender of charters by companies under Section 73 of the Companies Act	12	7
-	Supplementary letters patent granted to companies		
	For a change of corporate objects	16	9
	For a change of capital stock	25	42
	For a change of name	30	26
		83	77
-	Amalgamations during year	5	5
-	By-laws filed changing number of directors	3	2
-	Reservation of business names for intended corporations or partnerships	239	259
-	Certificates of good standing under the Companies Act and Licensing Act	115	170
-	Annual returns filed under Section 80 of the Companies Act	1,481	1,287

Companies Act Statistics

The number of incorporations during 1984 was down 9% from the previous year. Most of the other filings under the Act were about the same as they were in 1983.

Co-operative Associations Act

There are some fifty active co-operatives in the Province and those are reported on separately in the Annual Report of the Inspector of Co-operatives, which is also tabled in the Legislature.

During 1984 there were 3 new co-operatives incorporated whereas 5 were incorporated in 1983.

Corporations Division staff continue to work closely with co-operatives, especially through the Co-operative Union of Prince Edward Island, which acts as the voice of the co-operative movement in Prince Edward Island.

Corporation Securities Registration Act

Registrations under this Act totalled 276 in 1984 and 265 in 1983. In 1984 there were 64 certificates of status issued and in 1983 there were 72 issued.

Credit Union Act

The Credit Union Act is administered by the P.E.I. Credit Union League Limited, which also carries out inspections of credit unions. A separate report on credit unions, as compiled by the League, is also presented in the Legislature.

The Credit Union League staff communicates regularly with the Department to keep it informed about the credit union movement.

Licensing Act

All out-of-province businesses carrying on business in this province are required to register under the Licensing Act regardless of whether they have an office or employees in the Province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all corporations not incorporated under the laws of this province and having their head office or chief place of business located outside the Province.

	1984	1983
Corporations and businesses registered under this Act	1,893	1,925

Partnership Act

The business names of sole proprietorships and partnerships are registered under the Partnership Act as well as the trade names of corporations.

	1984	1983
Declarations of proprietorships, partnerships and trade names filed during the year	527	498
Dissolutions Filed	84	80

Securities Act

The Securities Act regulates the sales of securities to the public and provides for the licensing of brokers and salesmen.

The following registrations and filings were made under the Act:

	1984	1983
Licenses issued		
- resident salesmen	47	32
- non-resident salesmen	19	25
- brokers	30	29
Prospectuses registered	285	310
Prospectus amendments registered	47	30
Certificates of exemption from full prospectus requirements	75	80

Revenue

The Corporations Division collects fees under the various statutes it administers with revenue expected for the fiscal year ending March 31, 1985 of $390,000. Revenue for the fiscal year ending March 31, 1986 will be about the same unless fee schedules are revised.

Other

Corporations Division staff spend a significant amount of time responding to inquiries from the public as the information filed in the Division is public information. Requests for information about corporations, co-operatives, partnerships, or other matters come from the legal and accounting professions, other government departments, police authorities, businessmen, bankers and other financial institutions and the public at large.

Inter-Government Conferences:

The Director of Corporations or the Corporations Officer attended the 1984 Annual Conferences of the Canadian Securities Administrators, the Canadian Trust Company Administrators, the Administrators of Co-operative and Credit Union Legislation and the Canadian Corporation Law Administrators.

These meetings are invaluable as there is a wealth of knowledge to be gained from administrators in the larger provinces where the various administrators specialize in the administration of securities law, trust company law, etc. In the smaller provinces such specialization is not practical for financial reasons.

These administrators' conferences are useful for exchanging information and developing uniform policies to ease the burden on business organizations which often operate in several provinces in Canada.

Personnel

Director - Edison Shea
Corporations Officer - Merrill Wigginton
Administrative Assistant - Sheila MacNevin
Secretary - Kay Constable
Secretary - Norma MacMillan

CORRECTIONS DIVISION

Staffing

The Division is administered by a Director with part-time secretarial services.

Kings County Jail has an established strength of one Superintendent (Correctional Officer III) and two Correctional Officers I, supported by relief employees when required. Although this jail was normally opened only on a when required basis to serve Kings County Courts and police forces, it was necessary to open it on a full-time basis as of November 20, 1984, due to over-crowding at Sleepy Hollow Correctional Centre and Prince County Jail. It was still operating full-time at year's end. It has also become the province's holding facilitiy for young offenders who are under arrest, remand or sentence of more than one or two days, and not moved out of the province.

Prince County Jail has an established strength of one Superintendent (Correctional Officer III) and five Correctional Officers II, supported by relief employees when required.

Sleepy Hollow Correctional Centre has an established strength of 36 Correctional Officers (I and II), five Shift Supervisors (Correctional Officers III), three Cooks and a Food Services/Manager Instructor, one Stores Supervisor, two full-time and one part-time Clerical staff, one Nurse, one Programs Officer, one part-time Woodwork/Hobbycraft Instructor, one Deputy Superintendent (Correctional Officer IV) and a Superintendent. Correctional Offcicers are supported by relief employees when required.

One Correctional Officer retired to pension, one resigned to return to school, and one part-time Administrative staff transferred to another government department. That represents a staff turnover rate of 4%, compared to 8% in 1983.

Training

During the year, 42 corrections staff received first aid training and certificates, 45 received CPR (Cardiac Pulmonary Resuscitation) training and certificates, and 44 received training in fire safety and the use of self contained breathing apparatus.

An intensive five week correctional officer training course was provided by the Police Related Services of Holland College from November 13 to December 14. Six of the candidates were permanent correctional officers sponsored by the Department, the remaining nineteen were sponsored by Canada Manpower through arrangements made by the federal/provincial manpower needs committee.

Two staff members attended an out-of-province workshop on the female offender, sponsored and funded by the Correctional Service of Canada. Several others attended seminars and workshops aranged by the Civil Service Commission Staff Development and Training Branch.

Food

The caterer of meals to Kings and Prince County Jails are John P. MacDonald and Ann's Place, respectively. The price paid to each was $4.00 per meal plus a delivery fee, if the number of meals delivered at any meal period was five or less. Sleepy Hollow meals are prepared in their own kitchen, where six to eight prisoners are employed at any given time.

The following is a statistical table of prisoner admissions to each jail and the correctional centre during the year under the categories of (1) lock-up (police arrestees held prior to court appearance, federal parole violators, immigration detainees); (2) court remands; (3) sentenced. Only status upon original admission is counted. Prisoners who change from lock-up to remand or sentenced status or from remand to sentenced status without release are not re-counted under a new category. 1983 figures are listed for comparison purposes.

TABLE "A"

	Lock-ups		Remand		Sentenced	
Sleepy Hollow CC	**1984**	**1983**	**1984**	**1983**	**1984**	**1983**
Male	1227	1037	83	83	417	544
Female	64	52	1	5	32	22
Young Offender						
Male	3	1	0	0	0	0
Female	0	1	0	0	0	0
TOTAL	1294	1091	84	88	449	566
Prince County Jail						
Male	656	841	39	20	189	188
Female	35	56	1	1	2	2
Young Offender						
Male	5	4	0	0	0	0
Female	0	4	0	0	0	0
TOTAL	696	905	40	21	191	190
Kings County Jail						
Male	208	290	6	1	50	23
Female	4	11	0	0	2	0
Young Offender						
Male	7	0	0	0	0	0
Female	0	0	0	0	0	0
TOTAL	219	301	6	1	52	23

Total 2 Jails + Sleepy Hollow CC						
Male	2091	2168	128	104	656	755
Female	103	119	2	6	36	24
Young Offender						
Male	15	5	0	0	0	0
Female	0	5	0	0	0	0
TOTAL	2209	2297	130	110	692	779

Of the 130 remand admissions during the year, 83 were eventually changed to sentenced status without release. They do not appear in the sentenced column of table "A".

The number of prisoners held before transfer to a federal penitentiary was 38 compared to 34 in 1983.

There were no prisoner deaths in the province during the year. Staff dealt with three genuine suicide attempts, compared to seven in 1983. There were numerous attention getting acts resembling attempted suicide the staff handled capably.

There was one escape from within an institution during the year, with four prisoners invovled. There were four runaways from outdoor/community activities, the same number in 1983.

The following is a statistical table of the number of days served by prisoners in 1984 in each jail and the correctional centre under the categories of (1) lock-up; and (2) sentenced/remand. 1983 figures are listed for comparison purposes.

TABLE "B"

SENTENCED AND REMAND DAYS

Jail	**1984**	**1983**
Prince County	4094	1470
Kings County	555	66
Sleepy Hollow C.C.	23277	22423
TOTAL	27926	23959

LOCK-UP DAYS

Jail	**1984**	**1983**
Prince County	761	937
Kings County	283	313
Sleepy Hollow C.C.	1408	1130
TOTAL	2452	2380

The per diem billing rate for holding a prisoner for the year September 1, 1984 to Augsut 31, 1985 is $84.00, compared to $82.95 for the year ending August 31, 1984.

Volunteers from several religious groups and denominations, as well as many other organizations, associations, and individuals, gave freely of their time to be involved in various ways in the operation of the Corrections Division and its program. To these groups and individuals, as well as other government departments and divisions also involved, the Department is extremely grateful.

PROBATION AND FAMILY COURT SERVICES DIVISION

General

During 1984, two Family Counsellors and six Probation Officers carried out the programs of the Division under the direction of the Director of Probation and Family Court Services. One of the Probation Officers working out of the Summerside office also performs functions of a Family Counsellor.

Probation Services Workload

The following is a statistical indication of the activities performed by Probation Officers in carrying out their primary responsibilities in the areas of Presentence Investigation Reports, Probation Supervision, the Temporary Absence Program, and community related activities. However, it does not reflect the quality or actual nature of responsibilities carried out.

Presentence Reports

During 1984, Probation Officers conducted assessments and investigations for and submitted 108 presentence reports in response to requests from both Provincial and Supreme Courts. This compared with 111 reports in 1983 and 82 in 1982.

Probation Supervision

On January 1, 1984, there were 442 individual adults (16 years of age and over) under the supervision of Probation Officers in the Province with 501 new cases added during the year. This compares with 480 new cases added during 1983 and 485 cases in 1982.

On December 31, 1984, 506 individuals remained under active supervision of Probation Officers. This reflects an increase of 64 individuals over December 31, 1983.

Community Service Orders

Provincial and, on occasion, Supreme Court Judges continued to use as an integral part of their sentencing practices the concept of community service work which has expanded since its initiation in Prince Edward Island in 1977.

Essentially, the Court requires an offender, whether in lieu of or in addition to some penalty, to perform voluntarily some form of community service or work as a condition of a probation order. Probation Officers arrange appropriate service, taking into consideration any strengths or talents an offender may have and supervise the activity as well as assessing its quality. A prime consideration in the community service concept is to place responsibility on the offender to restore, at least in part, the harm done whether for the victim or the community at large.

With the assistance and cooperation of the John Howard Society of Prince Edward Island, financial support was received from Canada Employment and Immigration Commission through its Canada Works Program to hire four workers for 12 months to assist with Community Service Work. The four "Community Service Workers" worked under the day-to-day supervision of Probation Officers operating from Montague/Souris, Charlottetown, Summerside and West Prince. They assisted greatly in promoting and supervising Community Service Orders imposed by the Courts.

Restitution

Although restitution has been a part of sentencing in this province for more than 10 years, it has received increased emphasis in recent years, arising in part out of increased concern for victims of crime.

Essentially, the offender is required, as a condition of probation, to pay to the Clerk of the Court an established amount. Probation Officers oversee and supervise payment acting in an enforcement capacity wherever appropriate.

In summary, approximately 75% of all individuals coming under probation supervision, as ordered by Provincial and Supreme Courts, were required to pay restitution and/or perform community service.

Temporary Absence Program

Staff of Probation Services assessed and investigated 112 applications from sentenced inmates of the Sleepy Hollow Correctional Centre and Prince County Jail under the regular temporary absence program. Of these, the Department of Justice authorized 59 temporary absences involving the selected release without escort of 49 individuals. This compares with 42 releases involving 35 individuals in 1983. Of the 59 releases, 9 were for purposes of employment or paid training; 33 for purposes of treatment (17 alcohol, 11 medical and 5 psychiatric) and 17 for rehabilitative humanitarian reasons.

2 violations of Temporary Absence privileges were recorded.

The above releases do not include releases where inmates were escorted by Correctional Officers, Probation Officers, or under the general supervision of community supervisors in a volunteer capacity. As well, these releases do not include inmates released under the Christmas Temporary Absence Program outlined below.

Christmas Temporary Absence

The Christmas Temporary Absence Program established in 1971, where sentenced inmates in provincial institutions are provided the opportunity of spending some time with family and/or friends, was continued in 1984.

Of the 90 inmates that would have been serving a sentence in Sleepy Hollow Correctional Centre, Prince and Kings County Jails over Christmas, 45 were provided the opportunity of being released for varying periods of time (6 to 47 hours). All inmates returned on time as required. Three inmates violated conditions of their release by consuming alcohol or other intoxicants.

Young Offenders Program

The *Young Offenders Act (Canada)* to replace the *Juvenile Delinquents Act* was proclaimed law effective April 2, 1984.

The Act will require significant changes in how young offenders are dealt with in this province. As well, by April, 1985, the Act will raise the upper age of young or juvenile offenders to under 18 instead of the current age of under 16.

The Department of Justice assumed responsibility for the overall administration of the Young Offenders Act within the Probation and Family Court Services Division. The Director of Probation and Family Court Services was appointed Provincial Director under the Act. Juvenile Correctional Services were previously the responsibility of the Social Services Branch of the Department of Health and Social Services who will assist in the implementation of the Act and continue to provide services to those situations coming within its jurisdiction.

Staffing - Since the Young Offenders Act requires the development of a program organization and service across the province, new staff will be required. Budget estimates for new staff positions such as Probation Officers/Youth Workers were approved and several new positions created. Competitions for some of these positions were held. Others will be acted on as demand rises. Additional staff resources will be added conditional on what direction is taken to develop custody/residential capabilities for young offenders in the Province.

Custody/Residential Requirements - since the province does not have specific beds/spaces/accommodations for juveniles/young offenders, the most significant matter in the implementation of the Young Offenders Act is the development of custody/residential capabilities. An indepth Consultant's Study was carried out by DPA Group Inc. on the question of what is needed in the province, particularly in 1985 with the increase in maximum age of up to 18 years to meet the detention, open and secure custody as well as residential placement requirements of the Young Offenders Act. A Report was received by the Department in October. This Study funded by the Solicitor-General's Department is considered an internal document. It will form the basis of further planning for programs and facilities development for young offenders.

In November, 1984, the Minister of Justice announced that a new young offenders facility will be built in the province and it will be located in the Summerside area. In addition interim arrangements/facilities have to be arranged. Preliminary work on these is now under way.

Assessment/Treatment Services - The Department will undertake as an extension of the custody requirements study - a study of how the Department can best satisfy the requirements for assessment/treatment services related to emotional, psychological, developmental, learning and other disorders or difficulties.

The Province has signed a Federal-Provincial Agreement in Principle relating to Federal Financial Contributions to Young Offenders Programs. A Draft Detailed Five Year Federal-Provincial Agreement on Cost Sharing was under review at year's end.

An ongoing Provincial Young Offenders Implementation Committee chaired by the Deputy Minister of Justice dealt with and resolved issues and implications arising from the implementation of the *Young Offenders Act*.

With the exception of the complex custody question, implementation to date has been demanding but without serious difficulty. While the Act will have obvious financial, staff and program demands, it can be seen as a challenge and an opportunity to develop meaningful province-wide programs for young people in trouble with the law.

Family Court Services

Family Counsellors continued to provide support services for the Family Division of the Prince Edward Island Supreme Court. These services are primarily counselling, investigation, and supervisory in nature.

More specifically, these responsibilities include:

(a) Performing intake procedures at the Family Court level, assessing and screening cases, and providing an information and counselling service to individuals preparing for the Court process;

(b) Conducting investigations in custody, support and related matters for the preparation of reports for Family Court;

(c) Supervising and enforcing orders made by the Family Court;

(d) Marital counselling in crisis situations that may or may not require judicial attention;

(e) Performing an educational public relations role in interpreting the functions of the Family Court to individuals and community organizations.

New and Continuing Initiatives

Justice Resource Service: An agreement was signed in 1982 with the Federal Ministry of the Solicitor General through its Consultation Centre for a three-year information and consultation service called the Justice Resource Service. This province-wide service, operating out of the Department of Justice under the Probation and Family Court Services Divisions staffed by a full-time co-ordinator. This service, cost-shared by the federal and provincial governments, focuses on alternatives, crime prevention, community involvement and public legal education - particularly related to the areas of domestic violence, vandalism, and victims of crime. The co-ordinator of this service is Ms. Julie Dodd who can be reached at the Department of Justice in Charlottetown.

Victims of Crime: In 1983 the Department of Justice, through the Probation and Family Court Services Division, entered into an agreement with the Federal Ministry of the Solicitor General's Research Division to carry out research within the various components of the criminal justice process and related agencies on the needs of victims of crime and how victims are currently served with a view to reporting on what, if any, changes are needed to improve services to victims of crime in the Province.

A Study Report was released in March 1984. As a follow-up the Minister of Justice formed a Committee representative of a broad range of organizations and agencies concerned about victims of crime to implement the recommendations of the Study where possible and to coordinate activities concerning Victims of Crime. This Committee met through the fall of 1984 and will have a workplan developed in early 1985.

The Federal Ministry will continue to support this effort by providing financial assistance to provide research assistance in implementing recommendations and monitoring their effect.

The interest, assistance and cooperation of many agencies and individuals has been very helpful and encouraging.

Justice Statistics and Information: The Department of Justice, through this Division, has been very involved with the Canadian Centre for Justice Statistics. The assistance, financial and otherwise, of its Technical Assistance Directorate, in examining the present methods of compiling, storing, and collecting justice-related statistics and information with a view to considering an Integrated Justice Information System for the Province, has been very helpful. The Department of Justice received a preliminary report of the Province's needs and requirements in this regard in 1983.

Additional work took place in 1984 that should result in a demonstration project to explore and test various aspects of automation and to further work with senior managers in the Department of Justice in refining their operational and management needs related to Statistics and Information. The Canadian Centre for Justice Statistics will be contributing to this activity. As well the assistance and cooperation of the Computer Services Division, Department of Finance, has been very helpful.

Public Legal Education and Information: Proabtion and Family Court Services continued to play a lead role in developing and distributing material as well as encouraging the involvement interested and concerned groups and individuals in approaches to make the law and legal process more easily understood and accessible to individuals in particular, and the public generally. These activities included information displays, developing material for community schools, serving as resource people at law-related events, as well as developing leaflets on selected topics for general distribution.

The Justice Resource Service was actively involved with a small working committee on Public Legal Education and Justice Information in developing a Program Proposal for a community based non-profit organization to perform a leadership and coordinating role in further development and delivery of Public Legal Education and Information programs and efforts in the Province.

CHARLOTTETOWN & SUMMERSIDE REGISTRY OFFICES

The division's responsibilities are:

- to administer the Kings, Queens, and Prince County Land Registry Offices;
- to maintain a current computer record of all registered land owners on Prince Edward Island, both numerically and alphabetically;
- to maintain and keep current a series of property ownership maps for Prince Edward Island;
- to organize, maintain, and boundary survey an inventory of provincially owned crown property;
- to operate a map library which sells whiteprint copies of property maps, national topographic series maps, hydrographic charts, and provide customer custom whiteprinting services;

- to operate a co-ordinate survey monumentation system and provide advice and/or surveys for government departments;
- to provide assistance and response to all land-related inquiries coming from government agencies, private enterprises, and the public.

For Year Ending 31 March	1984	1983	1982
Documents Registered	13,185	12,667	9,537
Survey Plans Filed	239	163	147

Personnel

Registrar of Deeds (Charlottetown) - M. Frances MacDonald
Assistant Registrar - Ruby T. Watts
Clerk - Mary P. Mullin
Registrar of Deeds (Summerside) - M. Eileen Gaudet
Clerk (Summerside) - Shirley Rogerson

CONSUMER SERVICES DIVISION

A. Acts Administered

The Consumer Services Division of the Department of Justice is responsible for the administration of the following laws:

Auctioneers Act	**
Bills of Sale Act	
Business Practices Act	
Cemeteries Act	**
Charities Act	**
Collecting Agencies Act	**
Conditional Sales Act	
Consumer Protection Act	**
Consumer Reporting Act	**
Direct Sellers Act	**
Prearranged Funeral Services Act	
Sale of Goods Act	
Part X, Bankruptcy Act	*
Tax Rebate Discounting Act	*

* - Federal Statute
** - License or Registration Requirement

The *Prearranged Funeral Services Act* was passed in the 1984 session of the Legislature and became law on November 1st, 1984. This statute prescribes how monies paid for prearranged funerals will be handled by Funeral Directors and trust companies with whom the money shall be deposited in trust.

B. Program Statistics and Comments

1. LICENSING & REGISTRATION:

	1984	1983
a) Direct Sellers Licensed	217	480
b) Collection Agencies Licensed	4	7
c) Consumer Reporting Agencies Licensed	3	3
d) Auctioneers Licensed	31	34

The 1983 amendments to the Direct Sellers Act have produced the desired result of reducing the number of resident licenses being required by persons selling at home parties or door to door, where the value of the sale is under forty dollars.

2. CONSUMER COMPLAINTS AND INQUIRIES:

a) *Complaints*	1984	1983
i) Motor vehicle sales & repairs	199	210
II) home construction & renovations	41	49
iii) appliances - sales & service	115	92
iv) mail order/direct sales	108	140
v) collections/credit	143	180
vi) other *	533	478
TOTAL	1139	1149

* This figure includes ninety-five (95) telephone complaints received in December, 1984 concerning problems with the cabbage patch look alike dolls.

b) *Inquiries*:	1984	1983
Total	1217	1268

An interesting trend has developed in the area of consumer complaints. The recent recession has increased consumers expectations and demands for better product performance and for adequate warranties and service. In addition, consumers are more prepared to stand up for their rights and file complaints, when justified; and if necessary, utilize the services of the Small Claims Court.

3. ORDERLY PAYMENT OF DEBTS PROGRAM:

	1984	1983
a) Funds Disbursed to Creditors	$136,418.00	$173,403.00
b) Debtor Interviews and Reviews	121	132

The welcome decrease in these statistics is an indication of the improvement in the economy. In 1984, thirteen new Consolidation Orders (new files) were issued as compared with twenty in 1983. Fourteen clients retired their debts in full during 1984 for a net reduction in active paying clients. As well, there was a 22% decrease in the number of consumer bankruptcies in PEI for the first nine months of 1984.

C. Consumer Education & Information

During 1984, the staff of Consumer Services spoke to over twenty different groups and educational institutions. These range from UPEI, Holland College, High Schools and pre-retirement courses to Community Schools across the Province.

Readers Note: The 1983 Annual Report of Consumer Services is found in the 1983 Annual Report for the Department of Community & Cultural Affairs. Consumer Services was transferred to the Department of Justice in July, 1984.

D. Personnel

Director - Eric Goodwin
Consumer Services Officer - Edna Lord
Secretary-Receptionist - Marlene Hughes

JUDICIAL DIVISION

Function and Organization

This division is responsible for the design and maintenance of an administrative structure that meets the needs of all courts throughout Prince Edward Island. Its primary and continuing objective is to make appropriate and effective use of personnel and other resources to develop and manage a comprehensive court services program throughout the Province.

The overall strength of personnel in the division remains at 28 with the distribution of personnel being as follows:

	Prothonotary	Legal Services Officer	Judicial Clerk 1	Judicial Clerk 2	Judicial Clerk 3	Court Stenographer	Sheriff	Clerk & J.P. (part-time)	TOTAL
Charlottetown	1	5	1	1	3	6	1	-	18
Summerside	-	1	1	-	1	2	1	-	6
Alberton	-	-	-	-	-	-	-	1	1
Georgetown	-	-	-	-	1	-	1	-	2
Souris	-	-	-	-	-	-	-	1	1
	1	6	2	1	5	8	3	2	28

The personnel provide the courts with support services, some of which are as follows:

1. GENERAL ADMINISTRATION
   - budget and expenditure control
   - personnel transactions
   - equipment supply, purchases, etc.
2. JUDICIAL ADMINISTRATION
   - taxation of costs on solicitor-client and party-party basis
   - bankruptcy and discovery
   - supervision over court officers
   - Justices of the Peace.
3. COURT RECORDS
   - registration and maintenance
4. DOCKETING AT SUPREME COURT LEVEL.
5. STENOGRAPHIC AND SECRETARIAL AND CLERK OF THE COURT.
6. SHERIFF SERVICES
   - jury impanellment
   - process servers
   - execution of court orders
7. FINANCIAL RECORD MANAGEMENT
   - approximately $3 million annually at both court levels.

Supreme Court

ENTRIES FISCAL YEAR END MARCH 31

Fiscal Year	Cases	Liens	Chattel Mortgages	Book Debts	Judgments	Divorce Petitions
1974	1,297	4,942	8,074	567	579	112
1975	1,603	4,141	7,771	586	702	130
1976	1,568	4,370	8,686	1,147	811	164
1977	1,781	4,952	10,141	853	884	173
1978	1,715	5,954	13,623	1,009	966	166
1979	2,092	5,510	14,432	1,160	1,034	220
1980	1,971	5,166	13,605	1,391	955	194
1981	2,446	5,660	12,572	1,371	1,182	210
1982	2,538	6,047	10,212	1,360	1,193	233
1983	2,545	7,095	13,614	1,464	1,380	234
1984	2,110	9,252	16,387	1,547	1,076	222

Supreme Court - Estates Division

Approximately 599 petitions were filed during the year 1984, resulting in 551 court grants on behalf of Estates, with a total probate value of $26,170,164.90.

Forty-eight court hearings were held in Charlottetown and Summerside.

Estates Division fees collected and deposited to the credit of the Minister of Finance for the Province totalled $76,740.30.

Provincial Court Fines Collected

	1981	1982	1983	1984
Charlottetown	$473,923.00	$458,465.87	$527,583.25	$672,235.23
Summerside	258,285.00	278,645.23	278,470.24	305,276.51
Georgetown	76,333.00	77,358.31	100,638.58	139,425.40
Souris	---	---	48,427.49	85,564.09
Alberton	---	---	102,993.47	126,635.14

REPORT OF THE
OFFICE OF THE PUBLIC DEFENDER
PROVINCE OF PRINCE EDWARD ISLAND

April 1, 1983 to March 31, 1984

This was the eleventh year of the public defender program in Prince Edward Island. The service is cost shared under a federal-provincial agreement which applies in all provinces.

Objective

The objective of the program is to ensure equality before the criminal law by making lawyers available to individuals who could not otherwise retain counsel because of financial reasons.

Eligibility

Eligibility for legal assistance is determined by a flexible test which takes into account the applicant's financial ability to afford the probable costs of representation by private counsel.

The application process is kept as simple as possible in order to serve those who may be the most in need of representation but the least able to cope with bureaucracy. The policy objective is to complement the service provided through the private Bar without financial competition.

To obtain service, the applicant must contact a staff lawyer in the same manner as he would a private practitioner. In some cases the applicant is referred by the Court. Contrary to a common misconception, the Courts do not assign cases to legal aid staff lawyers. Although legal aid has become an integral part of the justice system, the program is run independently from the Courts.

Choice of Counsel

Legal services are provided by three staff lawyers. Private counsel are retained in a small percentage of cases where a scheduling problem or a conflict prevents a staff lawyer from acting. It is only in murder cases that the applicant is given the choice of being represented by private counsel.

Offices

Full-time offices are maintained at the Law Courts Buildings in both Charlottetown and Summerside. The Summerside office was increased to a full-time basis in May of 1982. On court days, staff lawyers also travel to Alberton, Souris, and Georgetown if there are requests for assistance.

Cost-Sharing Formula

The federal-provincial cost-sharing agreement has been re-negotiated every few years. There have been several adjustments to the cost-sharing formula since it was initiated in 1973. Prince Edward Island has consistently recovered approximately 90% of criminal legal aid expenditures from the Federal Government each year since the agreement began. The high recovery ratio reflects the low per capita expenditures on legal aid in this province. Some provinces with significantly higher expenditures per capita recovered less than 50% of total costs under the same formula. On a national basis, Canada's stated objective is to share approximately 50% of criminal legal aid expenditures.

Cases Completed

The following cases were completed during the year. The definition of a case varies from province to province. In this province each separate charge is counted as a separate case. An applicant may have several charges arising from one incident. Likewise, charges from several incidents are often dealt with by the Court at one time. In either situation the number of cases is equal to the number of charges. An appeal is also recorded as a separate case. Applications involving cases carried over from a previous year are not recorded in this report until the year in which the file is completed. In any instance where the same applicant requests assistance more than once within a year, an additional application is recorded. During the past year thirty-seven individuals requested assistance on more than one occasion.

	NUMBER COMPLETED		
	(1981-82)	(1982-83)	1983-84
Unlawful homicide (including motor vehicle deaths)	7	2	1
Matters under the *Juvenile Delinquents Act*	6	22	12
Robbery	16	6	3
Theft, break & enter, possession of stolen goods	416	439	304
Fraud & false pretences	175	82	117
Drunk & impaired driving	99	102	105
Other motor vehicle offences	35	27	15
Escape & unlawfully at large	27	6	12
Cause disturbance	29	36	27
Assaults (including sexual assaults)	57	61	80
Resisting arest	7	12	12
Arson	2	6	4
Property damage	65	83	44
Breach of probation	21	14	23
Narcotics	58	22	46
Others	33	29	29

Summary of Legal Aid	(1981-82)	(1982-83)	1983-84
Number of files (separate applications) completed and closed during the year	608	510	526
Number of cases (separate charges or appeals) completed in the above files	1,075	971	863
Cases where private counsel participated at some stage	25	9	15
Percentage of cases handled in or in part by private counsel	2.3%	0.9%	1.7%
Number of private counsel who participated	19	7	8
Cost of service rendered by private counsel	$8,323.90	$10,908.80	$17,169.21

Number of Applications by Region	(1981-82)	1982-83)	1983-84
Charlottetown	376	281	301
Summerside	144	176	167
Alberton	32	24	17
Georgetown	46	20	37
Souris	10	9	4

Age of Recipients			
16 - 19 years	35%	44%	34%
20 - 25 years	31%	25%	32%
over 25 years	34%	31%	34%

Expenditures	$121,388.28	$132,695.00	$150,766.87

FOURTH ANNUAL REPORT

Prince Edward Island Family Legal Aid

April 1, 1983 to March 31, 1984

This is the fourth annual report of the family legal aid program in Prince Edward Island. The service was initiated through federal start-up money in 1980 and continued by the province since then in conjunction with the criminal legal aid program.

Program Structure

The family legal aid program is an extension of the public defender program which has provided cost-shared legal aid in criminal matters in this province since 1973. Legal service for both programs is provided by the full-time staff of three lawyers and one secretary. Administrative and accounting services are provided by the Provincial Justice Department.

The program is administered by the Director of Legal Aid (a staff lawyer), who reports to the Deputy Minister of Justice.

Objectives

The objective of funding legal aid in family law is similar to the stated objective of criminal legal aid - to provide access to the law. In particular, the objective is to enable individuals to exercise and protect their basic rights under family legislation. The program attempts to make free legal services available to eligible persons to the extent that a reasonable man of modest means would pay his own lawyer if faced with the same legal problem. This is the stated objective of legal aid throughout Canada.

The achievement of that objective is subject to staff and budgetary limitations. The policy of restraint and cutbacks in government programs was already in place when this program was being developed. Consequently, this province has been unable to achieve the level of service provided in provinces where family legal aid was fully established during the period of expansionary growth in social spending in the early to mid-70's.

Eligibility

Eligibility is restricted to persons already on social assistance or who might be eligible for such assistance if required to pay the probable cost of representation by private counsel.

Priority for assistance is given to applicants whose legal problem involves dependent children.

Legal aid may be refused in any situation where a reasonable individual of modest means faced with a similar problem would probably not pay from his own pocket to obtain the assistance requested.

Experience to date has shown that the greatest restriction is the lack of staff to provide assistance even where financial eligibility is established.

Coverage

Coverage is limited to matters within the jurisdiction of the Family Division of the Supreme Court. Generally, this involves the *Divorce Act, Family Law Reform Act* and the *Family and Child Services Act*. Priority is given to any application under the latter *Act* because of the potentially serious consequences involved in the outcome of each case. Legal representation is considered essential in child welfare cases because the opposing party is the State.

Involvement of Private Counsel

Legal aid staff lawyers may represent only one party in any dispute. The same restriction applies to law firms in private practice. In some cases more than one party seeks legal aid. The program has a small budget to service those cases by hiring private counsel on a tariff basis. In the previous report it was stated that this part of the legal aid budget was eliminated during the process of cutbacks in all Departments. The Department is now pleased to advise that aspect of the budget was restored during the present fiscal year.

Legal Aid in Other Provinces

Before the introduction of family legal aid in this province, a Prince Edward Island resident requiring legal representation in another province would not be eligible for the free assistance available to residents of that province. Under an interprovincial agreement, residents of Prince Edward Island now have the advantage of obtaining legal aid in any province of Canada, provided similar service would be covered for a non-resident in this province.

The Number of New Files Opened

There were 202 new files opened in 1983-84. This number includes only those cases where legal action was commenced through correspondence, negotiation, or court action. The figure does not include telephone and office consultations where advice was given without opening a correspondence or litigation file.

Family cases tend to be difficult to settle quickly. Most cases take several months to resolve and, in some, work proceeds beyond the year in which the file was opened. By nature, the practice of family law differs from other areas of litigation in that the circumstances of the litigants may continue to change and bring about new difficulties. Consequently, the capacity of the program to take new cases may be less in each successive year.

Telephone Inquiries

The provision of summary legal advice by phone is an important aspect of the program. The majority of applicants call in the initial stages of family break-ups. Typically, the caller will state "I just want to know my rights." Early advice and appropriate referrals to other agencies may provide reassurance to the callers and enable them to resolve their own difficulties before they lead to costly litigation.

During the past fiscal year, statistics for the Charlottetown Office indicate that approximately 287 people received telephone advice in family matters and an additional 182 persons requested advice in civil matters other than family law. Persons for whom a correspondence or litigation file was opened during the 1983-84 fiscal year are not included in those numbers.

Family Legal Aid Activity

	(1982-83)	1983-84
1. NUMBER OF PERSONS FOR WHOM NEW FILES WERE OPENED	241	202
2. TYPE OF APPLICATION		
Matrimonial (*Divorce Act* and *Family Law Reform Act*)	87%	83%
Family & Child Services Act	9%	13%
Other	4%	4%

3.	NUMBER OF PERSONS WHO REQUESTED TELPEHONE ADVICE WHERE NO FILE WAS OPENED - (Charlottetown Office only)		
	Family		287
	Civil		182
4.	REGIONAL DISTRIBUTION OF SERVICE	No. of Files	
	Charlottetown	150	115
	Summerside	91	87
5.	RATIO OF MALE TO FEMALE CLIENTS		
	Male	13%	15%
	Female	87%	85%
6.	NUMBER OF CASES WHERE PRIVATE COUNSEL ACTED THROUGH LEGAL AID	7	4
7.	NUMBER OF INTER—PROVINCIAL REQUESTS		
	To other provinces	10	7
	From other provinces	11	8
8.	TOTAL LEGAL AID EXPENDITURES		
	Criminal & Family	$161,700.00	$184,711.57